

NAHALEM BAND OF TILLAMOOK INDIANS OF OREGON.

JANUARY 21, 1897.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FISCHER, from the Committee on Indian Affairs; submitted the following

REPORT.

[To accompany H. R. 866.]

The Committee on Indian Affairs, to whom was referred House bill 866, report as follows:

This bill provides for a settlement of the claim of the Nahalem band of Tillamook tribe of Indians of Oregon, for lands taken from them by the Government of the United States under a treaty made and entered into on the 6th day of August, 1851.

By that treaty the Indians ceded all their lands in Oregon excepting a certain reservation to the United States, for which they were to receive the sum of \$10,500, to be paid in annual installments of \$1,050. This treaty was entered into in pursuance of an act of Congress passed June 5, 1850.

The title to these lands has always been conceded to be in the Indians, and proceedings involved in the passage of the act and negotiation of the treaty as hereinbefore stated confirmed that title. The lands are very valuable, having a frontage on the Pacific Ocean, 15 or 20 miles south of the Columbia River, and include the fertile Nahalem Valley in which is now the prosperous and growing town of Nahalem. The lands have been taken, but no money has ever been paid to the Indians therefor.

The Department of the Interior under date of April 4, 1896, writes as follows:

DEAR SIR: The Commissioner of Indian Affairs has submitted a report on H. R. bill 866, to provide for a final settlement with the Nahalem band of Tillamook Indians in Oregon, which was sent to him by your committee with a request for report.

This matter has been before the Department at various times, and several reports have been made by the Indian Office, copies of which are transmitted herewith.

The fact that these Indians have some claim seems to have been recognized from an early date, and the records of this Department do not show that it has ever been satisfied or relinquished.

A treaty was entered into with this band of Tillamooks by commissioners on the part of the United States on August 6, 1851, for the cession of certain lands in Oregon, described in the treaty, for which they were to be paid the sum of \$10,500 in installments of \$1,050 per annum, \$150 to be paid in cash and \$900 in certain articles of goods. (Senate Ex. Doc. No. 47, Thirty-second Congress, first session.)

This treaty, with others, entered into about the same time with other bands of Indians in Oregon, was transmitted to Congress, through the President, by letter of the Secretary of the Interior, dated July 30, 1852. (Senate Ex. Doc. No. 39, Thirty-second Congress, first session.)

No action on this treaty, however, seems to have been taken by Congress, although some of the treaties forwarded at the same time were subsequently ratified by that body.

But little is known of the Nahalem band of Tillamooks. The official records of the Department show that they numbered about 150 souls at the date of the treaty. (Report of the Commissioner of Indian Affairs for 1851, p. 214.)

According to certain affidavits on file in the Indian Office they now number about 17 persons.

It has been charged, or intimated, by a Mr. Maxwell that this band, with others, had been located on the Siletz Reservation, in Oregon, where they had received certain benefit of Government lands. But this is denied by the Indians, and there is nothing to confirm this charge or intimation, nor is there any evidence that any of them have received allotments with other Indians on the reservation named. In fact, an examination of the allotment rolls of that reservation fails to disclose the names of any of the 17 persons now claimed to constitute this band.

The Indians believe their claim to be just. Their belief seems well founded. That the matter may be finally disposed of and set at rest, I am not disposed to offer any objection to the bill in question, provided that the amount proposed to be appropriated shall be accepted by the Indians in full payment for all claims, equitable or legal, they may have acquired under the said unratified treaty, and that it shall be received by them in full for the relinquishment of any title or rights in and to the lands named in the treaty existing at the time of the execution thereof or at the time of the payment of the money proposed to be appropriated.

I would also recommend that the proposed bill be further amended so as to require a complete census of the band to be taken, under the direction of the Secretary of the Interior, and the apportionment of the money among those living and the heirs of those who may be dead, or expended for them by him as may in his judgment seem for their best interests.

Very respectfully,

JNO. M. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

Your committee therefore report said bill favorably with the following amendments:

On page 1, line 5, strike out all after the word "dollars," and strike out all of line 6 down to and including the word "paid."

On page 1, after the word "appear," in line 9, insert the following: "after a careful and complete census of said band shall be made under his direction."

On page 1, strike out the word "with" at end of line 11; strike out all of line 12, and also all of line 13 down to and including the word "paid."